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OFFICE OF COMMISSIONER FOOD & DRUG ADMINISTRATION, PUNJAB,
Near Civil Hospital, Kharar, Sahibzada Ajit Singh Nagar

NOTIFICATION

The 9th October, 2018

No. (Food) Pb.-2018/1815.-In exercise of the powers conferred under Section 30(2)(a) of the Food Safety and Standards Act, 2006, read with provisions contained in Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, wherein the prohibition in the interest of public health is to be ordered in the case of manufacture, storage, distribution or sale of any article of food, having Tobacco as whole or Nicotine as one of the ingredient contained in it, being injurious to human health.

The Hon'ble Supreme Court of India in the case of Central Areca Nut Marketing Corporation & Others Vs Union of India (Transfer Case (C) 1 of 2010) in its orders dated 23.09.2016, observed that, to circumvent the ban on the sale of gutkha, the manufacturers are selling pan masala (without tobacco) with flavoured chewing tobacco in separate sachets but often conjoint and sold together by the same vendors from the same premises intentionally, so that consumers can buy the pan masala and flavoured chewing tobacco and mix both the articles for chewing the flavoured tobacco. Hence, instead of the earlier "ready to consume admixture", chewing tobacco companies are selling gutkha in twin packs with the mischievous intention.

The Hon'ble Supreme Court in view of the above has directed the concerned statutory authorities to comply with the above mandate of law.

Now exercising the said powers & in pursuance of Regulation 2.3.4 of the Food Safety and Standards (Prohibition and Restrictions on Sales) Regulations, 2011, the manufacture, storage, sale or distribution of Gutkha, Pan Masala (Containing tobacco or nicotine), processed /flavoured/scented chewing tobacco and any other Food product containing Tobacco or Nicotine as ingredient by whatsoever name these are called as final products, **whether packaged or unpackaged and / or sold as one product or through packaged as separate products**, available in the market, is hereby further prohibited for a period of one year in the whole of the State of Punjab, from the date of issue of this notification.

This notification is issued in supersession of notification No. 11/10/14-3HB4/1146574/1 dated 16-1-2018.

Sd/-

KAHAN SINGH PANNU, IAS

Commissioner, Food & Drugs Administration, Punjab

1624/10-2018/Pb. Govt. Press, S.A.S. Nagar